



impacts on surface water and groundwater from agricultural practices.

In March 2017 the Board endorsed staff's proposal to prioritize a targeted permit specifically for vineyards and orchards. Shortly thereafter, the Regional Water Board received funding for a new Irrigated Lands Program staff position and in early 2018 hired a new staff member who is dedicated to the development of the vineyard and orchard permit (Permit). This Permit will take into consideration the San Francisco Bay Region's discharge permit for vineyards in the Sonoma Creek and Napa River watersheds, which was approved by the San Francisco Regional Water Quality Control Board (Region 2) and is open for enrollment. The Region 2 permit augments local vineyard development and management requirements as they apply in the Sonoma Creek and Napa River watersheds by focusing on the additional measures necessary to correct sediment impairments in those watersheds. In a comparable manner, the Region 1 Permit will aim to work in conjunction with existing regulations, including but not limited to Sonoma County's Vineyard and Orchard Site Development Ordinance (VESCO).

Regional Water Board staff are currently conducting detailed technical assessments to help better define the scope of the vineyard and orchard permit. This effort is being undertaken to determine if a single permitting effort is warranted and if the Permit should apply region-wide or be more limited. The exercise includes evaluating the locations and sizes of the vineyards and orchards in the North Coast Region as well as the similarities and differences between their land management practices, nutrient and pesticide application, water use, and other factors. Staff will be presenting the outcome of this effort at a Regional Water Board meeting **tentatively** scheduled for February 20-21, 2019. Staff expect to resume stakeholder outreach meetings specific to this Permit in the Spring/Summer of 2019.

Though the scope of the Permit is being assessed, there has been no change in Regional Water Board staff's approach to key program development

concepts, which have previously been shared during Stakeholder Advisory Group meetings for discussion and input. These concepts include the potential development of Water Quality Farm Plans, implementation of best management practices, and reliance on third-party groups to assist land managers and property owners in achieving compliance with the Permit.

### For More Information

Additional information about the Agricultural Program and the upcoming vineyard and orchard permit including program meeting summaries, comment letters, and reference information are available on the Agricultural Program's webpage at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/agricultural\\_lands/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/).

Details regarding the vineyard and orchard permit will be listed under *Vineyards and Orchards*. In order to provide clarity to questions that have been raised about the Regional Water Board's jurisdiction, permitting authority, and policies concerning nonpoint source pollution, Regional Water Board staff have developed the following document that answers frequently asked question (FAQs).

The FAQ containing information about legal and policy aspects is available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/agricultural\\_lands/pdf/130328/Frequently Asked Legal-Policy Questions.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/agricultural_lands/pdf/130328/Frequently%20Asked%20Legal-Policy%20Questions.pdf)

Lynette Shipsey, lead staff for the vineyard and orchard permit, is available at 707-576-2460 or [lynette.shipsey@waterboards.ca.gov](mailto:lynette.shipsey@waterboards.ca.gov).

Katharine Carter, Supervisor of the Watershed Adaptive Management Unit, is available at 707-576-2290 or [katharine.carter@waterboards.ca.gov](mailto:katharine.carter@waterboards.ca.gov).

Please join our Agricultural Lands Discharge Program mailing list to receive electronic notifications about the upcoming vineyard and orchard permit as well as other Agricultural Program updates by clicking on the [sign up link](#) located on our [webpage](#).

## The Russian River Watershed Pathogen TMDL—Status Update

*Alydda Mangelsdorf*

The Russian River Watershed is a long watershed originating in Mendocino County and flowing south through Sonoma County and southwest to the Pacific Ocean at Jenner. The watershed is central to numerous large and small communities, agricultural activities, tourism, recreation and other cultural and economic endeavors that define the watershed as a unique place in the North Coast Region. It is also home to a diversity of plant and animal species that also shape the watershed as unique.

Like many watersheds in the North Coast Region, the Russian River has several segments of its mainstem and tributaries listed on the 303(d) list of impaired waters. (See next EO article *Update on Surface Water Quality Assessment - The 2018 305(b) and 303(d) Integrated Report*). In the case of the Russian River, the impairment of specific concern is due to pathogens and the risk they pose to public health. Staff of the North Coast Regional Water Quality Control Board (Regional Water Board) have conducted numerous studies in the watershed to determine the extent and potential causes of the occurrence of pathogens in the water. These studies are described in individual technical memoranda on the agency’ websites<sup>1</sup> and are summarized in two draft versions of a staff report and a draft amendment to the *Water Quality Control Plan for the North Coast Region* (Basin Plan) to contain an Action Plan to address the problems. The first draft version was released for public review in 2015 and received considerable public comment. A new version was produced in 2017, which sought to address the key public comments. It was re-released for public review in with a tentative December 2017 hearing date; but, was postponed due to the impacts from and response to the wildfires in October 2107 and due to pending adoption of new statewide

bacteria objectives by the State Water Resources Control Board (State Water Board).

The study of pathogens in the environment complex. The term “pathogens” refers to thousands of individual bacteria, viruses and other microorganisms that can cause disease. But there is not yet an economically viable way of testing water samples for the long list of individual pathogenic organisms that may be present. Instead, the field of water quality protection relies on tests using indicator bacteria. These indicator bacteria are not themselves pathogenic, at least not as a class. But, when they are present, they indicate the probability that fecal waste has entered the water. It is the presence of fecal waste that represents a risk to public health as disease-causing organisms present in fecal waste can be transmitted from unhealthy individuals to the river where others in the community can become exposed.

The Basin Plan for the North Coast Region contains a numeric objective for fecal coliform as the fecal indicator bacteria appropriate to assess the potential for exposure to pathogenic microorganisms. This water quality objective was adopted into the Basin Plan in the 1970s and has not been updated since. In August of this year, the State Water Board adopted new numeric objectives for *E. coli* and *Enterococci* as the preferred fecal indicator bacteria to be used to assess protection of the recreational use of freshwaters and estuarine/ocean waters, respectively, statewide. The *E. coli* objective will apply to all freshwaters in the Russian River watershed, and *Enterococci* will apply to estuarine reach of the lower Russian River. There statewide objectives will become effective and will replace the North Coast’s fecal coliform objective once approved by the office of Administrative Law, which is expected by January 2019.

The North Coast Region anticipated the adoption of new fecal indicator bacteria standards to protect recreation and conducted the TMDL analyses with the potential new standards in mind. Indeed, the TMDL analyses rely on multiple fecal indicator bacteria and other lines of evidence

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<sup>1</sup>  
[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/tmdls/russian\\_river/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/tmdls/russian_river/)



California combines the 303(d) List of Impaired Waters [303(d) List] and the 305(b) Surface Water Quality Assessment [305(b) Assessment] into a single process known as the Integrated Report, satisfying the requirements of both sections 303(d) and 305(b) of the CWA. In order to provide an update of the Integrated Report every even-numbered year, California evaluates surface water data and information for the regional water boards on a rotating basis with three of the nine regional water boards conducting assessments each listing cycle. The North Coast Regional Water Quality Control Board (Regional Water Board) last evaluated surface water data for the 2012 Integrated Report and is one of the three regions responsible for developing the upcoming 2018 Integrated Report. The Lahontan Regional Water Quality Control Board (Region 6) and the Colorado River Basin Regional Water Quality Control Board (Region 7) are the other two regions included in the 2018 Integrated Report cycle.

#### The 2014/2016 Integrated Report

The current 303(d) List and 305(b) Assessment for waters within the North Coast Region comes from the 2014/2016 Integrated Report, which was approved by the USEPA on April 6, 2018 and is available at the link below. There were no new data assessed for the North Coast Region in the 2014/2016 Integrated Report; therefore, it reflects no change from the 2012 303(d) List. The 2014/2016 303(d) List will remain in effect until the 2018 303(d) List update is approved by the USEPA.

2014/2016 Integrated Report Website:  
[https://www.waterboards.ca.gov/water\\_issues/p/rograms/tmdl/integrated2014\\_2016.shtml](https://www.waterboards.ca.gov/water_issues/p/rograms/tmdl/integrated2014_2016.shtml)

#### The 2018 Integrated Report

Regional Water Board staff is working closely with State Water Resources Control Board (State Water Board) staff to assess data and develop the 2018 Integrated Report. Lines of evidence (LOEs) are currently being developed, which describe the data, quality control information, water quality objective to which the data are compared, and how many times the data exceeded that objective. Thus far, State Water Board staff has developed over 15,600 LOEs for Region 1 waters. Regional Water Board staff has reviewed and commented on these LOEs, as well as created over 700

additional LOEs to assist in the data evaluation process.

Once all data submitted for the 2018 Integrated Report have been evaluated and translated into LOEs, Regional Water Board staff will review the evidence and classify waterbodies as: supporting beneficial uses, having insufficient data to make a conclusion about beneficial use support, or not supporting beneficial uses (i.e., impaired) for a particular pollutant. Staff will describe the basis for each determination as a decision, which is documented in a fact sheet for each water body-pollutant pair. For some pollutants, such as pathogens or sediment, decisions are best made using a weight-of-evidence approach, in which multiple water quality factors are considered when making the determination. In such cases, the fact sheet describes the multiple lines of evidence considered.

The development of the Integrated Report, including lines of evidence and decisions, is accomplished according to the State Water Board's "Water Quality Control Policy for Developing California's Clean Water Act Section 303(d) List" (Listing Policy) first adopted in 2004 and updated in 2015. The Listing Policy can be found at the link below.

Listing Policy:

[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/resolutions/2015/020315\\_8\\_a\\_mendment\\_clean\\_version.pdf](https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2015/020315_8_a_mendment_clean_version.pdf)

#### Data for the 2018 Integrated Report

Data being evaluated as part of the 2018 Integrated Report for the North Coast Region include metals, pesticides, nutrients, fecal indicator bacteria, mercury in fish tissue, dissolved oxygen, temperature, and pH data. The data were submitted by members of the public, watershed groups, non-governmental organizations, stakeholders, government agencies, and State and Regional Water Board staff. Data and information successfully submitted by May 3, 2017 are being evaluated as part of the 2018 Integrated Report cycle. Per the Data Solicitation Notice for the 2018 Integrated Report, successful submittals were those that were submitted to CEDEN, passed CEDEN's Regional Data Center Review, and were accompanied by a quality assurance document. Data and information types





# Enforcement Report for November 2018 Executive Officer's Report

*Diana Henriouille*

Date Issued	Discharger	Action Type	Violation Type	Status as of October 16, 2018
6/28/2018	City of Ukiah Public Works Dept.	ACLO	NPDES permit effluent limit violations requiring assessment of Mandatory Minimum Penalties (MMPs)	Project underway

**Comments:** On June 29, 2018, the Executive Officer (EO) issued Settlement Agreement and Stipulation for entry of Administrative Civil Liability Order No. R1-2018-0024 (Order) to the City of Ukiah Public Works Department (Discharger), for their wastewater treatment facility located in the upper Russian River Watershed, Mendocino County, for MMP violations in the amount of \$33,000. The Order allows the Discharger to apply the entire amount of the penalty towards a Supplemental Environmental Project (SEP), to be carried out by the San Francisco Estuary Institute. The SEP is intended to support the Discharger's Storm Water Resource Management and Habitat Protection and Restoration program and will be conducted in two phases. The first phase involves development of a map of potential high priority green infrastructure (GI) project locations and identify and rank potential urban low impact development/GI project locations within the City of Ukiah based on priorities set by a project workgroup comprised of municipal separate storm water sewer systems (MS4) managers and other City departments as warranted. The second phase will then identify stream restoration opportunities. Per a report from SFEI received September 27, 2018, the project is underway and on schedule.

Date Issued	Discharger	Action Type	Violation Type	Status as of October 16, 2018
8/24/2018	Eric Merlo	NOV	Failure to obtain WDR coverage for timber harvest activities for Timber Harvest Plan 2-17-015 SIS	Resolved

**Comments:** On August 24, 2018, the Nonpoint Source & Surface Water Protection Division Chief issued a NOV to Eric Merlo for failure to obtain WDR coverage for his timber harvest operations in the Skookum Gulch watershed, tributary to Moffett Creek, in the Scott River hydrologic area. On July 2, 2018, Mr. Merlo sent in an enrollment request and was enrolled on July 10, 2018. No further action is required.

Date Issued	Discharger	Action Type	Violation Type	Status as of October 16, 2018
8/30/2018	JC Construction LLC, Jason and Kerry Jones	NOV	Unauthorized discharges to waters of the state	Ongoing

**Comments:** On August 30, 2018, the Cannabis and Compliance Assurance Division Chief issued a NOV to JC Construction LLC, Jason and Kerry Jones for earthen fill material on areas previously identified as federal jurisdictional wetlands and critical habitat for the California tiger salamander. The NOV refers the Dischargers to an enclosed February 22, 2018 inspection report that includes recommendations for correcting the violations. This matter is ongoing.

Date Issued	Discharger	Action Type	Violation Type	Status as of October 16, 2018
9/20/2018	Sanel Ljesnjanin and Uchenna Ukazim	Modification to a Cleanup and Abatement Order	Discharge of diesel into receiving waters	Ongoing

**Comments:** On September 20, 2018, the Executive Officer issued a modification to Cleanup and Abatement Order No. R1-2018-0012 (CAO). The initial CAO was issued January 25, 2018, in response to a diesel spill that migrated to and impacted Rocktree Creek in the upper Eel River watershed. Cleanup efforts at the site included removal of approximately 260 cubic yards of soil, and were also to include installation and use of monitoring and extraction wells, but the wells have not been installed, to date. On July 30, 2018, a contractor working on the site for the Dischargers reportedly noticed red diesel fuel entering the creek bed. The modifications to the CAO provide additional directives and deadlines for investigation and cleanup in light of onsite activities completed since initial issuance of the CAO, and the continued impacts and threatened impacts to water quality associated with the spilled diesel. This matter is ongoing, and discussed further in the entry below.

Date Issued	Discharger	Action Type	Violation Type	Status as of October 16, 2018
9/21/2018	Sanel Ljesnjanin and Uchenna Ukazim	NOV	Failure to fully comply with CAO	Ongoing

**Comments:** On September 21, 2018, the Assistant Executive Officer issued an NOV to Sanel Ljesnjanin and Uchenna Ukazim (Dischargers) advising them of violations for their failure to fully comply with Cleanup and Abatement Order No. R1-2018-0012 (CAO). The CAO required the Dischargers to submit and implement workplans and to provide reports. The Dischargers have failed to meet a number of deadlines, with deliverables provided late or not at all. As discussed in the entry above, limited cleanup/remediation work has occurred on the site, with removal of approximately 260 cubic yards of soil, but no subsequent extraction of contaminated groundwater. Spilled diesel fuel remains on the site in soil, groundwater, and/or surface water. The NOV advises the Dischargers that as of September 15, 2018, the cumulative number of days of CAO violations is 2,801, and the estimated maximum liability is \$14,005,000. This matter is ongoing.



## Projected List of Future Regional Water Board Agenda Items

The following is a list of Regional Water Board agenda items that staff are planning for the first 2 Board meetings in 2019. **The Board meeting dates are tentative. This list of agenda items is intended for general planning purposes and is subject to change.** Questions regarding the listed agenda items should be addressed to the identified staff person.

### February 20-21, 2019 Santa Rosa

- Mendocino County Permit Coordination Program WDR Waiver & General Water Quality Certification (*Gil Falcone*) [A]
- Weott CSD WWTP WDRs (*Rachel Prat*) [U]
- Miranda CSD WWTP WDRs (*Rachel Prat*) [U]
- Dairy Program GWDR (*Cherie Blatt*) [A]
- Update on the Development of Vineyard & Orchard Permit (*Lynette Shipsey & Katharine Carter*) [I]
- Cannabis Program Update (*Kason Grady*) [I]
- Update on the Findings of the Elk River Recovery Assessment (*Chuck Striplen*) [I]

### April 17-18, 2019

- \*County of Sonoma LAMP (*Charles Reed*) [A]
- Bodega Bay PUD WWTP WDRs and Master Reclamation Permit (*Cathleen Goodwin*) [A]
- Arcata CSD WWTP WDR (*Justin McSmith*) [A]
- Airport-Larkfield-Wikiup Sanitation Zone WWTP WDRs (*Cathy Goodwin*) [A]
- Korbil Sawmill NPDES Permit Reissuance [A]
- Extension of Timber Categorical Waiver (*Jim Burke*) [A]
- Green Diamond Resource Company South Fork Elk Management Plan (*Jim Burke*) [A]
- Russian River Watershed Pathogens TMDL (*Alydda Mangelsdorf & Charles Reed*) [A]

[U] = Uncontested Item

[A] = Action Item

[W] = Workshop Item

[I] = Information Item

\* *This item is pending county approval first, so timing is uncertain*